

S.R. 37 - By Caperton: Extending welcome to Dr. Art Caylor, Capitol Physician for the Day.

ADJOURNMENT

On motion of Senator Mauzy, the Senate at 12:03 o'clock p.m. adjourned until 11:00 o'clock a.m. tomorrow.

APPENDIX

Signed by Governor
(January 18, 1985)

S.C.R. 4

S.C.R. 7

(January 24, 1985)

S.C.R. 10

H.C.R. 17

H.C.R. 18

H.C.R. 20

(January 25, 1985)

S.C.R. 12

S.C.R. 16

S.C.R. 8

ELEVENTH DAY

(Tuesday, January 29, 1985)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Mauzy, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Traeger, Truan, Uribe, Washington, Whitmire, Williams.

Absent-excused: Sims.

A quorum was announced present.

Senator Grant Jones offered the invocation as follows:

Heavenly Father, we thank Thee for the blessings which Thou has given us. Guide us and direct us in ways pleasing in Thy sight. Help us to know Thy will, Oh Lord, and act according to Thy will. In Christ's name, Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

Senator Sims was granted leave of absence for today on account of important business on motion of Senator Jones.

MESSAGE FROM THE HOUSE

House Chamber
January 29, 1985

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.C.R. 13, In memory of the Honorable Allan Shivers.

S.C.R. 15, Commending Chief Justice Jack Pope on his outstanding public career of service and wishing him a satisfying retirement.

S.C.R. 29, Declaring January 29, 1985, Texas Public Health Association Day in Texas.

H.C.R. 30, Inviting Congressman James C. Wright to address a joint session on February 11, 1985.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

RESOLUTION SIGNED

The President announced the signing in the presence of the Senate the following enrolled resolution:

S.C.R. 26

CO-AUTHOR OF SENATE JOINT RESOLUTION 9

On motion of Senator Williams and by unanimous consent, Senator Brooks will be shown as Co-author of S.J.R. 9.

CO-AUTHOR OF SENATE BILL 25

On motion of Senator Williams and by unanimous consent, Senator Lyon will be shown as Co-author of S.B. 25.

CO-AUTHOR OF SENATE BILL 87

On motion of Senator Blake and by unanimous consent, Senator Sarpalius will be shown as Co-author of S.B. 87.

REPORTS OF STANDING COMMITTEES

Senator Harris submitted the following report for the Committee on Economic Development:

C.S.S.B. 228

Senator Uribe, Acting Chairman, submitted the following report for the Committee on Health and Human Resources:

S.C.R. 17

S.C.R. 19

S.C.R. 20

S.B. 163

C.S.S.C.R. 18

Senator Farabee submitted the following report for the Committee on State Affairs:

S.J.R. 9 (Amended)
S.B. 71
S.B. 150
C.S.S.B. 68

SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

S.B. 261 by Caperton State Affairs
Relating to the continuation, membership, operation, and powers and duties of the Board for Lease of University Lands and to requirements under certain leases issued by the Board of Regents of The University of Texas System.

S.B. 262 by Caperton Education
Relating to the office of state forester.

S.B. 263 by Uribe, Leedom Education
Relating to the consolidation of school districts whose membership is less than 500.

S.B. 264 by Montford State Affairs
Relating to the membership of the State Highway and Public Transportation Commission.

S.B. 265 by Montford Education
Relating to the tuition charged at Southwest Collegiate Institute for the Deaf.

S.B. 266 by Lyon Jurisprudence
Relating to examinations of children in cases of reported child abuse.

S.B. 267 by Lyon Health and Human Resources
Relating to medical care and financial assistance for certain adopted children.

S.B. 268 by Montford, Sarpalius Natural Resources
Relating to the creation, administration, powers, duties, and operations of the Multi-State Water Resources Planning Commission.

S.B. 269 by Leedom State Affairs
Relating to the conveyance of certain state-owned real property by the asset management division of the State Purchasing and General Services Commission.

S.B. 270 by Leedom Intergovernmental Relations
Relating to an exemption of certain city purchases from competitive bidding requirements.

S.B. 271 by Sharp Natural Resources
Relating to the compensation for travel paid to directors of and delegates from a state soil and water conservation district.

S.B. 272 by Sharp Natural Resources
Relating to soil and water conservation districts and the operation of the State Soil and Water Conservation Board.

S.B. 273 by Sharp Economic Development
Relating to the regulation of architects; providing penalties.

S.B. 274 by Lyon Education
Relating to authorizing child advocates in public schools to assist students who are victims of abuse or neglect.

S.B. 275 by Lyon Education
Relating to a requirement that teacher education programs include training in recognizing and responding to signs of child abuse in students.

S.B. 276 by Edwards Education
Relating to the creation of a fund to be used for recruitment of women and members of minority groups into engineering programs of institutions of higher education.

S.B. 277 by Lyon Intergovernmental Relations
Relating to the authority of counties to regulate the location of mobile homes; providing a penalty.

S.B. 278 by Whitmire Jurisprudence
Relating to an exemption from jury duty in certain courts because of past jury service.

S.B. 279 by McFarland Natural Resources
Relating to the regulation of freshwater fishing tournaments; providing penalties.

S.B. 280 by Leedom State Affairs
Relating to the accounting and reporting of state funds.

S.B. 281 by Farabee Intergovernmental Relations
Relating to the creation of the constitutional office of criminal district attorney of Wichita County and to the abolition of the offices of county attorney of Wichita County and district attorney of the 30th Judicial District.

S.B. 282 by Lyon, Parmer Jurisprudence
Relating to the testimony in certain cases of a child who is the alleged victim of an offense.

S.B. 283 by Glasgow Health and Human Resources
Relating to the use of peer review committees to evaluate and mediate disputes between licensed chiropractors and persons obligated to pay a fee for chiropractic services.

S.B. 284 by Glasgow Health and Human Resources
Relating to the regulation of advertising by dentists and to certain exceptions from the definition of dentistry.

S.B. 285 by Glasgow State Affairs
Relating to the designation by office and place of the justices of the Court of Appeals for the Second Supreme Judicial District.

S.B. 286 by Glasgow Jurisprudence
Relating to cases transferred from one court of appeals to another by the supreme court.

S.B. 287 by Glasgow Natural Resources
Relating to the creation, administration, powers, duties, operations, financing, and annexation authority of the Somervell County Water District.

S.B. 288 by Glasgow Finance
Relating to the exemption from ad valorem taxation of implements of husbandry.

S.B. 289 by Henderson Economic Development
Relating to denial, revocation, or suspension of a registration as a securities dealer, agent, or salesman and to the probation or reprimand of such a person.

S.B. 290 by Caperton State Affairs
Relating to a reapportionment of the judicial districts of the state by the Judicial Districts Board or the Legislative Redistricting Board, the transfer of cases upon

reapportionment, the jurisdiction and terms of courts, and the duties and powers of certain county and district officers.

S.B. 291 by Caperton

Natural Resources

Relating to the office of state entomologist and the administration of laws relating to beekeeping and beekeeping equipment.

S.J.R. 12 by Barrientos

State Affairs

Proposing a constitutional amendment providing for annual legislative sessions.

S.J.R. 13 by Glasgow, Sharp, Sims

Education

Proposing a constitutional amendment prohibiting the consolidation of school districts without approval of the boards of trustees.

S.J.R. 14 by Caperton

State Affairs

Proposing a constitutional amendment to create the Judicial Districts Board and to provide for the reapportionment of judicial districts by that board or by the Legislative Redistricting Board.

S.C.R. 32 by Lyon

Natural Resources

Requesting the U.S. Department of Energy (DOE) to forego further consideration of the Deaf Smith County and Swisher County sites as potential nominees or candidates for a high-level nuclear waste repository.

SENATE RESOLUTION 39

Senator Brown offered the following resolution:

WHEREAS, The Senate of the State of Texas is proud to cherish the memory of one of its most beloved and respected members, the Honorable John Wilson, who lost his valiant battle with death on September 19, 1982; and

WHEREAS, Recognized as one of the outstanding political leaders in recent memory, Senator Wilson was recognized for his courage, integrity, and tenacity of purpose; and

WHEREAS, Throughout his legislative career, Senator Wilson remained true to his ideals and deeply held moral values; and

WHEREAS, A rural populist, Senator Wilson represented his constituency loyally and ably; an eloquent advocate of the "right to farm bill," Senator Wilson rose from his sickbed to ensure passage of the legislation which would deeply affect Senatorial District 18; and

WHEREAS, A staunch supporter of the legislation creating the Public Utility Commission of Texas and house sponsor of the Sunset Act, Senator Wilson gave wholeheartedly of himself to the service of his beloved state and all its citizens; and

WHEREAS, Today those who knew and loved John Wilson are gathered together to remember his legacy of love and outstanding public service as the Senate of the State of Texas honors the memory of this outstanding Texan with formal unveiling and hanging of his portrait in the Senate Chamber; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 69th Legislature, hereby pay tribute to John Wilson as his portrait takes its rightful place in the Senate hall of Texas heroes and patriots; and, be it further

RESOLVED, That a copy of this Resolution be prepared for Mrs. Pinky Wilson as a commemoration of this auspicious occasion.

The resolution was read and was adopted by a rising vote of the Members of the Senate.

On motion of Senator Howard and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

GUESTS PRESENTED

Senator Brown introduced the following family and friends of Senator Wilson: Mrs. John "Pinky" Wilson; mother, Mrs. Charlene Wilson; sister and

brother-in-law, Mr. and Mrs. Mark Walsh; nephew and niece, John and Christi Wilson; former staff members, Pat Settle and Ken Short and friends, Mrs. Joan Whitworth and Robert Saunders.

Senator Brown then introduced a large delegation of friends seated in the gallery.

Senators Howard, Sharp and Blake paid tribute to Senator Wilson in their remarks.

Senator Brown escorted Mrs. Wilson to the President's rostrum and the President presented an enrolled copy of S.R. 39 to Mrs. Wilson.

Mrs. Wilson expressed her appreciation for this tribute to Senator Wilson and, accompanied by the President, Speaker of the House Gib Lewis, and members of the family, proceeded to the north aisle of the Senate Chamber and unveiled a portrait of Senator Wilson.

SENATE RESOLUTION 38

Senator Montford offered the following resolution:

WHEREAS, Thousands of Texans have enthusiastically supported the sale of Christmas cards designed by children who are cancer patients at The University of Texas M. D. Anderson Hospital and Tumor Institute at Houston; and

WHEREAS, The net proceeds from the sale of the Christmas cards are used exclusively to enhance the recreational and educational activities of these children with the goal of increasing their comfort and strengthening their sense of well-being; and

WHEREAS, The 1984 Christmas season marked the 11th anniversary of the sale of these cards and, with more than two million cards sold during the year, set a record that is a shining indication of the generosity and growing support of the citizens of this state; and

WHEREAS, The idea for this innovative and popular program was conceived by volunteers who wanted to substantially improve the quality of the children's stay in the hospital and to contribute to the creation of an environment in which children can be effectively treated for cancer; and

WHEREAS, Miss Mollie Newberry of Wolfforth is a patient at M. D. Anderson Hospital who has enjoyed many special activities and opportunities provided as a result of the Christmas card program, and the senate is honored to have this charming young lady as its guest today; and

WHEREAS, It is appropriate to take this opportunity to officially greet Miss Newberry and to recognize the praiseworthy contributions made by all who have participated in the pediatric Christmas card program at M. D. Anderson Hospital; now, therefore, be it

RESOLVED, That the Senate of the 69th Legislature of the State of Texas hereby commend and congratulate all persons who have purchased Christmas cards designed by children who are patients of M. D. Anderson Hospital and recognize the volunteers, staff, and patients of The University of Texas M. D. Anderson Hospital and Tumor Institute at Houston whose hard work and commitment continue to make the Christmas card program a successful one; and, be it further

RESOLVED, That the senate also extend a warm welcome to Miss Mollie Newberry, wishing her a happy visit to the State Capitol, and present her with an official copy of this resolution as an expression of best regards from the members of the Texas Senate.

The resolution was read and was adopted.

On motion of Senator Brooks and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

GUESTS PRESENTED

Senator Montford presented Miss Newberry and her parents Mr. and Mrs. Dan Newberry to the Members of the Senate.

Miss Newberry was escorted to the President's rostrum and was presented an enrolled copy of S.R. 38 by the President.

SENATE RESOLUTION 40

Senator Truan offered the following resolution:

WHEREAS, The State of Texas joins the City of Corpus Christi in mourning the loss of former mayor Gabriel Lozano who died November 29, 1984; and

WHEREAS, The scion of a distinguished Corpus Christi family, Mr. Lozano graduated from local schools before attending St. Louis College in San Antonio; and

WHEREAS, In 1935 he joined his father in Southwestern Beverage Distributing and successfully continued business operations until the company was sold to Falstaff Brewery; and

WHEREAS, Along with several other enterprising Hispanic businessmen, Mr. Lozano formed the South Texas Telecasting Company which operated television station UHF Channel 22; following this success, Mr. Lozano and his colleagues formed the International Radio Company which broadcast radio station KCCT; and

WHEREAS, Besides his responsibilities with his communications companies, Mr. Lozano formed a fire and casualty insurance company and a real estate business; and

WHEREAS, Concerned about the welfare and progress of his community and its citizens, Mr. Lozano served on the Corpus Christi City Council for seven consecutive terms; and

WHEREAS, First elected to the city council in 1967, Mr. Lozano became the first Hispanic Mayor Pro Tem in 1969; and

WHEREAS, Elected to his last city council term in 1977, Mr. Lozano became Corpus Christi's first Hispanic mayor when he was named to complete Jason Luby's unexpired term in 1979; and

WHEREAS, An inspiring and dynamic leader, Mr. Lozano was noted for his successful approach to the problems facing Corpus Christi; and

WHEREAS, A charter member of LULAC and former president of the Corpus Christi chapter, Mr. Lozano was highly effective in promoting the economic and social advancement of the city's Hispanic population; and

WHEREAS, With his death the citizens of Corpus Christi witnessed the close of the career of one whose footsteps marked service and progress on every path he chose to follow; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 69th Legislature, hereby extend condolences to the members of his family on their grievous loss: his wife, Juanita F. Lozano; his four sons, Gabe Jr., David, Robert R., and Peter A. Lozano; his daughter, Mrs. Imelda Garcia; his three sisters, Mrs. Celia L. Wilmot, Mrs. Ernestina Guzman, and Mrs. Antonio Lozano; his brother, Thomas M. Lozano; and his 16 grandchildren and six great-grandchildren; and, be it further

RESOLVED, That copies of this Resolution be prepared under the seal of the Senate for the members of his family as an expression of deepest sympathy from the Texas Senate, and that when the Senate adjourns this day, it do so in memory of Gabriel Lozano, Sr.

The resolution was read and was adopted by a rising vote of the Members of the Senate.

GUESTS PRESENTED

Senator Truan presented Mr. Lozano's family and friends to the Senate.

Senator Truan escorted Mr. Lozano's sons, Gabe Jr., David, Robert and Peter to the President's rostrum. The President presented an enrolled copy of S.R. 40 to them.

GUESTS PRESENTED

Senator Brooks was recognized and presented the following guests in connection with the adoption of S.C.R. 29, declaring today as Texas Public Health Association Day in Texas: Curtis W. Dickson, President of the Public Health Association, Lee A. Lane, President-elect and Carl W. Clark, PAC Chairman.

They were welcomed as guests of the Senate for today and presented an enrolled copy of S.C.R. 29 by the President.

HOUSE CONCURRENT RESOLUTION 30

The President laid before the Senate the following resolution:

H.C.R. 30, Inviting Congressman James C. Wright to address a Joint Session on February 11, 1985.

The resolution was read.

On motion of Senator Parmer and by unanimous consent, the resolution was considered immediately and was adopted.

COMMITTEE SUBSTITUTE SENATE BILL 130 ON SECOND READING

Senator Leedom moved to suspend the regular order of business and Senate Rule 89 to take up for consideration at this time:

C.S.S.B. 130, Relating to certain fees and the authority of commissioners courts to set such fees in counties having a population in excess of 1,500,000 but excluding any county with a city of more than 1,000,000 population.

The motion prevailed by the following vote: Yeas 26, Nays 3.

Yeas: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Montford, Parmer, Santiesteban, Sarpalius, Sharp, Traeger, Truan, Uribe, Whitmire.

Nays: Mauzy, Washington, Williams.

Absent: Parker.

Absent-excused: Sims.

The bill was read second time.

Senator Lyon offered the following amendment to the bill:

Amend Section 5 line 46 by adding a sentence after the word litigation to read as follows:

This act shall expire at the end of the 71st legislature of the State of Texas unless it is extended by an act of the legislature during that session.

The amendment was read and was adopted.

On motion of Senator Leedom and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

RECORD OF VOTES

Senators Washington and Mauzy asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 130 ON THIRD READING

Senator Leedom moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 130 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 3.

Yeas: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Montford, Parmer, Santiesteban, Sarpalius, Sharp, Traeger, Truan, Uribe, Williams.

Nays: Mauzy, Washington, Whitmire.

Absent: Parker.

Absent-excused: Sims.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 3. (Same as previous roll call)

SENATE JOINT RESOLUTION 5 ON SECOND READING

Senator Mauzy moved to suspend the regular order of business and Senate Rule 89 to take up for consideration at this time:

S.J.R. 5, Proposing a constitutional amendment relating to magistrates for district courts.

The motion prevailed by the following vote: Yeas 26, Nays 4.

Yeas: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Mauzy, Montford, Parmer, Sarpalius, Sharp, Traeger, Truan, Uribe, Whitmire, Williams.

Nays: Glasgow, Parker, Santiesteban, Washington.

Absent-excused: Sims.

The resolution was read second time.

Senator Mauzy offered the following amendment to the resolution:

Amend Section 3 of **S.J.R. 5** by striking "1985" and substituting "1986".

Amend Section 2 of **S.J.R. 5** by striking "1986" wherever it appears and substituting "1987".

The amendment was read and was adopted.

On motion of Senator Mauzy and by unanimous consent, the caption was amended to conform to the body of the resolution as amended.

The resolution as amended was passed to engrossment.

RECORD OF VOTES

Senators Washington, Glasgow and Santiesteban asked to be recorded as voting "Nay" on the passage of the resolution to engrossment.

SENATE JOINT RESOLUTION 5 ON THIRD READING

Senator Mauzy moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.J.R. 5 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 4.

Yeas: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Mauzy, Montford, Parmer, Sarpalius, Sharp, Traeger, Truan, Uribe, Whitmire, Williams.

Nays: Glasgow, Parker, Santiesteban, Washington.

Absent-excused: Sims.

The resolution was read third time and was passed by the following vote: Yeas 26, Nays 4. (Same as previous roll call)

CONGRATULATORY RESOLUTION

S.R. 45 - By Barrientos: Extending congratulations to Mr. and Mrs. R. A. Patton.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 12:10 o'clock p.m. adjourned until 11:00 o'clock a.m. tomorrow.

TWELFTH DAY

(Wednesday, January 30, 1985)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President Pro Tempore Farabee.

The roll was called and the following Senators were present: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Mauzy, Montford, Parker, Parmer, Santiesteban, Sarpalius, Traeger, Truan, Uribe, Washington, Whitmire, Williams.

Absent-excused: Sharp, Sims.

A quorum was announced present.

Colonel James Irwin, former Astronaut and President of High Flight Foundation, offered the invocation as follows:

Thank You, Lord, for this day, a new day in each of our lives. Prepare us now for what You would have us do, and Lord, I want to pray for the Senators of Texas and their staff that You would really bless them and give them clear direction and wisdom to deal with the problems, the challenges, give them new vision, a new perspective and truly, a new appreciation not only for the State of Texas, but for our country and for this blue planet, Earth, that the work that they do would indeed have far-reaching effects.